

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

Rule making related to special registration plates

The Department of Transportation hereby amends Chapter 401, “Special Registration Plates,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 307.12, 321.34 and 321.166.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 321.34 as amended by 2019 Iowa Acts, Senate File 638, section 35.

Purpose and Summary

These amendments conform Chapter 401 to 2019 Iowa Acts, Senate File 638, section 35, which amends Iowa Code section 321.34 to provide for the creation of new blackout license plates. In accordance with Senate File 638, the Department began taking orders for the new blackout license plates on July 1, 2019. The amendments also make technical changes throughout the chapter to update the Vehicle and Motor Carrier Services Bureau’s name and to accommodate electronic submission of license plate applications, which further streamlines the application process.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on November 6, 2019, as **ARC 4736C**.

The Department received comments from a person who wants to obtain blackout license plates with the person’s amateur radio call letters and asked that the administrative rules authorize blackout plates for amateur radio operators. The Department consulted with the Department’s legal counsel, and the Department is not able to accommodate this specific request because Iowa Code requires the radio operator plate to be consistent with the design and color of the regular registration plate (i.e., standard country/city design). The Department did offer the person the option to request a personalized blackout license plate with the person’s amateur radio call letters, but because current subrule 401.6(2) prohibits the use of a zero on personalized plates, and this person’s amateur radio call sign contains the character zero, the person was not satisfied with the option to substitute the zero with the letter “O.” Therefore, the Department committed to evaluating the possibility of initiating a new rule making to remove the prohibition on using the number zero from personalized plates. Initiating a new rule making to accomplish this change will allow the Department to gather sufficient stakeholder input on the change as well as allow for necessary computer programming changes.

Item 20 was not adopted because it proposed to add a reference to 2019 Iowa Acts, Senate File 638, which has now been codified in the 2020 Iowa Code.

Adoption of Rule Making

This rule making was adopted by the Department on January 16, 2020.

Fiscal Impact

This rule making has no fiscal impact beyond that imposed by its authorizing legislation. 2019 Iowa Acts, Senate File 638, section 35, established the fees for the new blackout plates. The fee for initial issuance of one set of standard (nonpersonalized) blackout plates is \$35, and the fee for annual renewal of the plates is \$10. Section 35 allows any blackout plates issued to be personalized and retains the usual fees for personalized plates established in Iowa Code section 321.34(5), which are an additional \$25 for initial issuance of the plates and \$5 for annual renewal of the plates. The authorizing legislation and the rules adopted pursuant to the legislation will have a positive fiscal impact on Iowa's Road Use Tax Fund, since Senate File 638, section 35, requires that all fees authorized for the blackout plates be deposited in the Road Use Tax Fund. Although it is difficult to predict the long-term ordering and adoption rates, the plates appear to be popular. As of December 31, 2019, there were approximately 92,000 blackout plates in use, and approximately 28 percent of the plates issued were personalized. Based on those numbers and for that time frame, approximately \$4 million in additional revenue was collected that will inure to the benefit of the Road Use Tax Fund. This positive impact will grow as additional orders are received in the future.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on March 18, 2020.

The following rule-making actions are adopted:

ITEM 1. Amend paragraph **401.2(1)“b”** as follows:

b. ~~Collegiate Application for blackout plates, collegiate plates, personalized plates, and special registration plates that have eligibility requirements must be requested using an application form submitted to the department in a manner prescribed by the department. Unless otherwise specified, completed application forms applications for these plates shall be submitted to the department at the following address: Office of Vehicle and Motor Carrier Services Bureau, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278. Application forms Applications may be obtained from the office of vehicle and motor carrier services bureau or from any county treasurer's office. Application forms Applications are also available on the department's website at www.iowadot.gov.~~

ITEM 2. Amend rule 761—401.4(321) as follows:

761—401.4(321) Gift certificates. Gift certificates for blackout plates, collegiate plates, personalized plates, and special registration plates that have eligibility requirements may be purchased using the prescribed plate application ~~form~~. Gift certificates for special registration plates that counties have in their inventories may be purchased from county treasurers' offices.

ITEM 3. Amend rule 761—401.5(321) as follows:

761—401.5(321) Amateur radio call letter plates. Application for amateur radio call letter plates shall be made to the county treasurer ~~on a form~~ in a manner prescribed by the department. The number of the amateur radio license issued by the Federal Communications Commission shall be listed on the application.

ITEM 4. Amend subrule 401.6(1) as follows:

401.6(1) Application. Application for personalized plates shall be submitted to the department ~~on a form~~ in a manner prescribed by the department.

ITEM 5. Amend subrule 401.7(1) as follows:

401.7(1) Application. Application for collegiate plates shall be submitted to the department ~~on a form~~ in a manner prescribed by the department. The applicant may request letter-number designated collegiate plates or personalized collegiate plates. Collegiate plates for motorcycles, autocycles and small trailers are not available.

ITEM 6. Amend subrule 401.8(1) as follows:

401.8(1) Application for Medal of Honor plates shall be submitted to the department ~~on a form~~ in a manner prescribed by the department. The applicant shall attach a copy of the official government document verifying receipt of the medal of honor.

ITEM 7. Amend subrule 401.10(1) as follows:

401.10(1) Application for emergency medical services (EMS) plates shall be submitted to the department ~~on a form~~ in a manner prescribed by the department. The applicant and the applicant's service director shall sign the application ~~form~~ certifying that the applicant is a current member of a paid or volunteer emergency medical services agency. For purposes of this subrule, "service director" means a service director as defined in Iowa department of public health rule 641—132.1(147A).

ITEM 8. Adopt the following new rule 761—401.12(321):

761—401.12(321) Blackout plates.

401.12(1) Application. Application for blackout plates shall be submitted to the department in a manner prescribed by the department. The applicant may request letter-number designated blackout plates or personalized blackout plates. Blackout plates are available for autocycles, motor trucks, motor homes, multipurpose vehicles, motorcycles, trailers and travel trailers.

401.12(2) Characters. Personalized blackout plates shall be issued in accordance with subrule 401.6(2).

ITEM 9. Amend subrule 401.15(3) as follows:

401.15(3) The ~~office of~~ vehicle and motor carrier services bureau may consult with other organizations, law enforcement authorities, and the general public concerning the decal design.

ITEM 10. Amend subrule 401.15(4) as follows:

401.15(4) Within 60 days after receiving the application, the ~~office of~~ vehicle and motor carrier services bureau shall advise the organization of the department's approval or denial of the application. The department reserves the right to approve or disapprove any decal design.

ITEM 11. Amend paragraph **401.18(1)"d"** as follows:

d. The ~~office of~~ vehicle and motor carrier services bureau may consult with other organizations, law enforcement authorities, and the general public concerning distinguishing processed emblems.

ITEM 12. Amend subrule 401.18(4) as follows:

401.18(4) Application process.

a. Applications for either letter-number designated or personalized combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, or combat medical badge special registration plates shall be submitted to the department ~~on a form~~ in a manner prescribed by the department. The applicant shall attach to the application a copy of an official government document

verifying award of the combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal or combat medical badge to the applicant.

b. No change.

c. Applications for personalized civil war sesquicentennial or fallen peace officers special registration plates shall be submitted to the department ~~on a form~~ in a manner prescribed by the department.

ITEM 13. Amend rule 761—401.19(321) as follows:

761—401.19(321) Legion of Merit plates. Application for special plates with a Legion of Merit processed emblem shall be submitted to the department ~~on a form~~ in a manner prescribed by the department. The applicant shall attach a copy of the official government document verifying receipt of the Legion of Merit. Personalized plates with a Legion of Merit processed emblem are not available. Pursuant to Iowa Code section 321.34, an applicant is eligible for one set of Legion of Merit plates at a reduced annual registration fee of \$15 for one vehicle owned. However, an applicant may obtain additional Legion of Merit plates upon payment of the regular annual registration fee.

ITEM 14. Amend subrule 401.20(1), introductory paragraph, as follows:

401.20(1) Application. Application for special plates with a persons with disabilities processed emblem shall be submitted to the county treasurer ~~on a form~~ in a manner prescribed by the department.

ITEM 15. Amend subrule 401.21(1) as follows:

401.21(1) Application for special plates with an ex-prisoner of war processed emblem shall be submitted to the department ~~on a form~~ in a manner prescribed by the department. The applicant shall attach a copy of an official government document verifying that the applicant was a prisoner of war. If the document is not available, a person who has knowledge that the applicant was a prisoner of war shall sign a statement to that effect on the application ~~form~~.

ITEM 16. Amend rule 761—401.22(321) as follows:

761—401.22(321) National guard plates. Application for special plates with a national guard processed emblem shall be submitted to the department ~~on a form~~ in a manner prescribed by the department. The unit commander of the applicant shall sign the application ~~form~~ confirming that the applicant is a member of the Iowa national guard.

ITEM 17. Amend rule 761—401.23(321) as follows:

761—401.23(321) Pearl Harbor plates. Application for special plates with a Pearl Harbor processed emblem shall be submitted to the department ~~on a form~~ in a manner prescribed by the department. The applicant shall attach a copy of an official government document verifying that the applicant was stationed at Pearl Harbor, Hawaii, as a member of the armed forces on December 7, 1941.

ITEM 18. Amend rule 761—401.24(321), introductory paragraph, as follows:

761—401.24(321) Purple Heart, Silver Star and Bronze Star plates. Application for special plates with a Purple Heart, Silver Star, or Bronze Star processed emblem shall be submitted to the department ~~on a form~~ in a manner prescribed by the department. To verify receipt of the medal, the applicant shall attach a copy of one of the following:

ITEM 19. Amend rule 761—401.25(321), introductory paragraph, as follows:

761—401.25(321) U.S. armed forces retired plates. Application for special plates with a United States armed forces retired processed emblem shall be submitted to the department ~~on a form~~ in a manner prescribed by the department. A person is considered to be retired if the person is recognized by the

United States armed forces as retired from the United States armed forces. To verify retirement from the United States armed forces, the applicant shall attach a copy of one of the following:

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/12/20.